

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 38 and 39 have been added. Claims 1-39 are pending and under consideration.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. (U.S. Patent No. 6,623,092 – hereinafter Kim) in view of Tsukuda (U.S. Patent No. 6,234,615).

On page 3, the Office Action states, “however, Kim et al. does not disclose that a first volume is larger than a second volume.” Page 4 of the Office Action states, “the medium 122 of Kim et al. does not include a cut-out corner at the connecting hole 112 so that the medium 122 does not create a first volume and a second volume as claimed.”

On page 4, the Office Action asserts that Tsukuda makes up for the deficiencies of Kim.

Although Tsukuda discusses an ink injection device, Tsukuda fails to teach or suggest “...wherein a first volume is larger than a second volume” as recited in independent claim 1, for example.

In Fig. 3, Tsukuda shows a first chamber 30A and a second chamber 30B. Tsukuda discusses moving excessive ink from the second chamber 30B to the first chamber 30A. Tsukuda in col. 9, lines 4-12 states:

Further, if the ink amount held in the ink absorber 32 contained in the first chamber 30A is **larger than** the ink holding amount of the ink absorber in the gas-liquid replacement state, the ink of the excess amount is extracted through the communicating passage 30T from the needle 31B to the outside. Consequently, at this moment, interface between gas and liquid of the ink absorber is the **same** as the interface at the time of gas-liquid replacement state when the tank part alone operates as an ink tank (*emphasis added*).

Thus, Tsukuda teaches away from the limitations of the first volume in the first chamber is larger than a second volume in the second chamber.

Neither Kim nor Tsukuda, individually or combined, recite “...wherein a first volume is larger than a second volume” as recited in independent claim 1, for example.

Withdrawal of the foregoing rejections is respectfully requested.

NEW CLAIMS

New claim 38 recites "wherein a first volume is larger than a second volume." New claim 39 recites "...a volume of the ink chamber is greater than a volume of the negative pressure generating medium chamber." Nothing in the cited references teaches or suggests such. It is submitted that these new claims, which are different and not narrower than prior filed claims distinguishes over the cited references.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11/16/04

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